

**REMARKS**

Claims 1-5, 7-9, 11-12 and 14 remain pending in this application. Claims 1-5, 7-9, and 11-14 are rejected. Claim 13 is cancelled herein. Claims 6 and 10 are previously cancelled. Claims 1, 2, 8, 9, 11, 12, and 14 are amended herein to clarify the invention and to address matters of form unrelated to substantive patentability issues.

**INTERVIEW ACKNOWLEDGMENT**

The applicant and applicant's attorney appreciate the Examiner's granting of the telephone interview conducted on September 12, 2005, and extend their thanks to the Examiner for her time and consideration. During the interview the Triple Play 2000 Manual reference and the Okitsu reference were discussed and agreement was reached that amendments of claim 1, as attached to the Interview Summary mailed September 16, 2005, would distinguish the claim over the applied references. Additional details of the interview discussions are presented below in relation to the pertinent subject matter of the Office Action.

**CLAIM REJECTIONS UNDER § 112, SECOND PARAGRAPH**

Claims 1-5, 7-9, 11, 13, 14 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the

subject matter of the invention as a result of informalities stated in the Office Action. The claims are amended to remove recitation of "at least one button" which the Examiner was having difficulty with and instead use the phraseology requiring acceptance of a depression operation which was agreed upon during the interview. Therefore, reconsideration of the rejection of the claims and their allowance are earnestly requested.

#### **CLAIM REJECTIONS UNDER 35 U.S.C. § 102(b)**

Claims 1-5, 7-9, 11 and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Triple Play 2000 Manual reference (hereinafter TP2000). Applicant herein respectfully traverses these rejections. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). It is respectfully submitted that the cited reference is deficient with regard to the following.

During the interview it was explained that the present invention allows a common directional movement of a point device to be subsequently converted into either a pitching throw or a pickoff throw, in other words, the directional

movement is common to both operations. This is now reflected in the agreed upon claim language of claim 1 which states:

conversion of a directional moving operation of the pointing device common to both the pitching throw and the pickoff throw, the selection and effectuation of the pitching throw and the pickoff throw being accomplished by the following ordered combination of player inputs:

a first input operation of the pointing device which is the directional moving operation of said pointing device inputting a movement direction as input which is common to effectuation of both the pitching throw and the pickoff throw; and

a second input operation of the pointing device, which is one of two different depression operations on said pointing device, wherein:

when the second input operation is a first depression operation of the two different depression operations, the movement direction of the first input operation is converted to an effectuation command to effectuate the pitching throw; and

when the second input operation is a second depression operation of the two different depression operations, the movement direction of the first input operation is converted to an effectuation command to effectuate the pickoff throw[.]

This language has also been adopted into the other independent claims 8, 9, 11 and 12. This operation allows the player to input a directional movement, and then cause the pitcher to execute either a pitching throw or a pickoff throw based on the

common directional movement. The opposing player may be able to view the directional movement but will not know whether a pitch or a pickoff throw will be thrown until the depression operation is executed and the pitcher acts accordingly. This maintains the important element of surprise existent in real life baseball when a pitcher attempts to surprise a runner at first base with a pickoff throw to get the runner out at first base, or any of the other bases from which the runner may be taken a lead prior to the actual pitching of the ball.

In contrast, the TP200 reference requires the player to point to a screen icon for a pitch and then click on the icon. TP2000 pages 5 and 15. The direction of the mouse movement is irrelevant so long as the cursor location is on the proper screen icon for the pitch. Hence, a pitch is not executed by a combination of directional movement input and a depression operation. Although one must move the mouse to the screen icon, the actual movement direction is not input and converted, only the final resultant cursor screen location is converted.

The pickoff throw is accomplished by a totally different combination of operations which include a right click and then a movement. TP2000 page 5. Here the movement operation is after the depression operation and there is no suggestion to combine the pickoff operation with the pitching operation to use a common directional movement input.

In view of the above, it is respectfully submitted that claims 1-5, 7-9, 11 and 13 particularly describe and distinctly claim elements not disclosed in the cited reference. Therefore, reconsideration of the rejections of claims 1-5, 7-9, 11 and 13 and their allowance are respectfully requested.

#### **CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)**

Claim 12 is rejected as obvious over the TP2000 reference in view of Okitsu reference under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

The Okitsu reference is cited for teaching a directional movement operation using a cross key, followed by a button operation. Col. 7, line 62 to col. 8, line 21. However, Okitsu does not appear to actually provide for a pickoff throw. It does provide for a "feint throw," presumably a fake pickoff throw used to move the runner back to a base, the effectuation of which involves only the depression of a selected button. Col. 7, lines 6-13. There is no suggestion of using a common input, the directional input, which is converted into either of the two pitcher actions as is presently claimed.

Claim 14 is rejected as obvious over the TP2000 reference under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection on the grounds that the TP2000 reference fails to disclose the features noted as absent in the above anticipation rejection. With respect to the pickoff operations detailed by the claim, the Examiner states that it would be obvious to have the moving operation taken as an instruction of a pickoff throw when a button operation is input after the moving operation. This speculation is apparently based on the pitching operation being interpreted as a moving directional input followed by a button operation. However, as noted above, the pitching operation is effected merely by the input of a cursor position and a button operation. Therefore, since the TP2000 reference effects a pickoff through merely by an independent button operation, requiring no directional movement operation, the claimed elements, directional input followed by a depression operation, are clearly absent from the reference as is the suggestion to modify the reference to arrive at the claimed subject matter.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of the claims and their allowance are respectfully requested.

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**REQUEST FOR EXTENSION OF TIME**

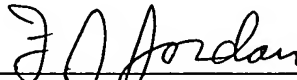
Applicant respectfully requests a one month extension of time for responding to the Office Action. Please charge the fee of \$120.00 for the extension of time to Deposit Account No. 10-1250.

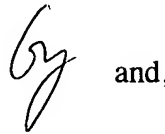
If there is any discrepancy between the fee(s) due and the fee payment authorized the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.


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In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,  
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